REMARKS/ARGUMENTS

In the Office Action mailed December 8, 2008, claims 1 – 6 and 8 – 14 were rejected. In response, Applicant has amended claim 5, canceled claims 1 – 4, and added new claims 15 and 16. Applicant also files herewith a Request for Continued Examination (RCE). Applicant hereby requests reconsideration of the application in view of the RCE, the amended and added claims, and the below-provided remarks.

Allowable Subject Matter

Applicants appreciate the Examiner's review of the claims and determination that claims 13 and 14 recite allowable subject matter. In particular, the Office Action states that claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, Applicant has added new claims 15 and 16 as follows:

New Claim 15 (5+13)

New claim 15 includes all of the limitations of claims 5 and 13 as previously presented. Because new claim 15 includes all of the limitations of claims 5 and 13 as previously presented, Applicants assert that new claim 15 is in allowable condition.

New Claim 16 (5+14)

New claim 16 includes all of the limitations of claims 5 and 14 as previously presented. Because new claim 16 includes all of the limitations of claims 5 and 14 as previously presented, Applicants assert that new claim 16 is in allowable condition.

Objections to the Drawings

The drawings are objected to because they lack descriptive text labels to describe the steps in the flow charts of Fig. 1 and the physical elements of Figs. 2 – 4.

The current application is a U.S. National Stage application. The labeling of figures with text matter is prohibited under PCT Rule 11.11, except when absolutely indispensible for understanding. Further, MPEP 1893.03(f) states that "[t]he USPTO may not impose requirements beyond those imposed by the Patent Cooperation Treaty (e.g., PCT Rule 11)." In the present application, Applicant submits that the addition of text labels to the drawings is not "absolutely indispensible" because the individual drawing elements are identified and described in the specification. In view of the above rules, Applicants respectfully assert that additional text labeling is not required in the drawings of the current application.

Claim Rejections under 35 U.S.C. 101

Claims 1 – 4 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 1 – 4 have been canceled, thereby rendering the present rejection moot.

Claim Rejections under 35 U.S.C. 112

Claims 5, 6, and 8 – 14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claim 5 was rejected because it recites "the programming unit" without sufficient antecedent basis. Claim 5 has been amended to recite "a programming unit" instead of "the programming unit." Accordingly, Applicant respectfully requests that the rejection of claims 5, 6, and 8 – 14 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claim Rejections under 35 U.S.C. 102 and 103

Claims 1, 2, 5, 6, 8 – 10, and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (U.S. Pat. No. 5,504,701). Additionally, claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of well known

practices in the art. However, Applicant respectfully submits that these claims are patentable over Takahashi for the reasons provided below.

Independent Claim 5

Claim 5 has been amended to particularly point out that the integrated circuit includes "means for returning the memory back to the active state and then resetting the memory to the quiet state by changing the state of a next memory cell of the plurality of memory cells to the programmed state, wherein said next memory cell assumes an irreversible memory state as a result of the programming." Support for the amendment is found in Applicant's specification at, for example, paragraphs [0023] – [0026] and Figs. 2 and 4 (U.S. Pat. Pub. No. 2007/0168623 A1). As amended, claim 5 recites:

> "An integrated circuit for securing data stored in a data carrier comprising:
>   a memory comprising a plurality of memory cells;
> a first logic circuit configured for determining a current state of the memory, wherein the current state of the memory is selected from the group consisting of an active state and a quiet state and wherein in the active state the data of the carrier is accessible and wherein in the quiet state the data of the carrier is inaccessible;
> a feed-logic circuit, wherein the feed-logic circuit is configured for:
> receiving state information indicative of a current state of a memory cell, wherein the current state of the memory cell is selected from the group consisting of a programmed state and an unprogrammed state; and
> if the current state of the memory is the active state and if the current state of the memory cell is the unprogrammed state, then selecting the memory cell; and
> issuing a programming command to a programming unit to program the selected memory cell to change the state of the memory cell to the programmed state, wherein the memory cell assumes an irreversible memory state as a result of the programming and wherein the memory enters the quiet state;
> means for returning the memory back to the active state and then resetting the memory to the quiet state by changing the state of a next memory cell of the plurality of memory cells to the programmed state, wherein said next memory cell assumes an irreversible memory state as a result of the programming." (emphasis added)

That is, amended claim 5 recites an IC in which data stored in a memory can be secured multiple different times by manipulating the state of irreversible programmable memory cells. In contrast to amended claim 5, Takahashi discloses a memory that may be accessed and rewritten (erased) a predetermined number of times. That is, the memory of Takahashi is described as being in a writable state until the predetermined number of erasures is exceeded. Takahashi does not disclose a memory that can go from an accessible state to an inaccessible state back to an accessible state and then back to an

inaccessible state. Because Takahashi does not disclose a memory that can go from an accessible state to an inaccessible state back to an accessible state and then back to an inaccessible state as recited in amended claim 5, Applicant asserts that claim 5 is not anticipated by Takahashi.

Dependent Claims

Claims 6 and 8 – 14 depend from and incorporate all of the limitations of the corresponding independent claim 5. Applicant respectfully asserts claims 6 and 8 – 14 are allowable at least based on an allowable claim 5.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and the remarks made herein. A notice of allowance is earnestly solicited.

Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of 3/8/2009 to and through 6/8/2009, comprising an extension of the shortened statutory period of three months.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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